

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 2367 of 2007(F)

PETITIONER:

RAJENDRN, AGED 42,
S/O.PURUSHOTHAMAN, AZHEKKAPARAMBIL HOUSE,
PAROOTHARA MURI, N.PARAUR, ERNAKULAM DISTRICT.

BY ADV. SMT.M.SINDHU THANKAM

RESPONDENTS:

1. SPECIAL SALE OFFICER,
ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
(GENERAL), N.PARUR.
2. THE PARUR SERVICE CO-OPERATIVE BANK,
NO.1759, REPRESENTED BY SECRETARY.

BY GOVERNMENT PLEADER SMT.LATHA THANKAPPAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE AWARD BY 1ST RESPONDENT IN ARC NO.1114/2003.

EXT.P2: COPY OF THE AWARD BY 1ST RESPONDENT IN ARC NO.115/2003

EXT.P3: DEMAND NOTICE DATED 20-12-2006.

TRUE COPY

P.A. TO JUDGE

S.SIRI JAGAN,J
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W.P.(C).No.2367 OF 2007
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Dated this the 16th day of March,2007

JUDGMENT

The petitioner is a defaulter in repayment of two loans availed of by him from the second respondent society. He now claims that he is entitled to the benefits of one time settlement scheme in force in the bank. The petitioner's contention is that in spite of his eligibility for one time settlement, the second respondent bank is proceeding with recovery steps as evidence by Exts.P1 to P3. Therefore, he challenges Exts.P1 to P3. However, petitioner submits that he may be permitted to file an application for the benefits of one time settlement and the further proceedings pursuant to Exts.P1 to P3 may be directed to be kept in abeyance .

2. Although, notice has been served on the second respondent society they have not turned up to contest the case.

3. Although, I am inclined to permit the petitioner to file an application for one time settlement and direct the second respondent society to consider the same, that cannot be without any condition. The petitioner submits that pursuant to the interim order dated 19.02.2007 he has already remitted an amount of Rs.20,000/-. In the above circumstances, the writ petition is disposed of with the following directions.

The petitioner shall pay a further amount of Rs.50,000/- within one month from today and also file an application seeking benefits or one time settlement in respect of two loan amounts availed by him. If the petitioner so files an application for the benefit of one time settlement and if such a scheme is available for the creditors of the bank like the petitioner, the second respondent bank shall consider the same and pass appropriate orders within one month from the date of receipt of the application. If the petitioner complies with the above directions, further recovery proceedings pursuant to Ext. P1 to P3 shall be kept in abeyance. However, if the petitioner does not pay the Rs.50,000/- as ordered above or does not file the application as directed above, he would not be entitled to the benefits of this judgment . In such an event the respondents would be free to proceed further as per the proceedings now initiated. If the petitioner complies with the above directions, further payment of the amounts due from the petitioner shall be in accordance with the orders to be passed by the second respondent on the application to be submitted by the petitioner as directed above.

S.SIRI JAGAN,JUDGE

dvs